

1 AN ACT concerning public labor relations.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Illinois Public Labor Relations Act is
5 amended by changing Section 3 as follows:

6 (5 ILCS 315/3) (from Ch. 48, par. 1603)

7 Sec. 3. Definitions. As used in this Act, unless the
8 context otherwise requires:

9 (a) "Board" means the Illinois Labor Relations Board or,
10 with respect to a matter over which the jurisdiction of the
11 Board is assigned to the State Panel or the Local Panel under
12 Section 5, the panel having jurisdiction over the matter.

13 (b) "Collective bargaining" means bargaining over terms
14 and conditions of employment, including hours, wages, and
15 other conditions of employment, as detailed in Section 7 and
16 which are not excluded by Section 4.

17 (c) "Confidential employee" means an employee who, in
18 the regular course of his or her duties, assists and acts in
19 a confidential capacity to persons who formulate, determine,
20 and effectuate management policies with regard to labor
21 relations or who, in the regular course of his or her duties,
22 has authorized access to information relating to the
23 effectuation or review of the employer's collective
24 bargaining policies.

25 (d) "Craft employees" means skilled journeymen, crafts
26 persons, and their apprentices and helpers.

27 (e) "Essential services employees" means those public
28 employees performing functions so essential that the
29 interruption or termination of the function will constitute a
30 clear and present danger to the health and safety of the
31 persons in the affected community.

1 (f) "Exclusive representative", except with respect to
2 non-State fire fighters and paramedics employed by fire
3 departments and fire protection districts, non-State peace
4 officers, and peace officers in the Department of State
5 Police, means the labor organization that has been (i)
6 designated by the Board as the representative of a majority
7 of public employees in an appropriate bargaining unit in
8 accordance with the procedures contained in this Act, (ii)
9 historically recognized by the State of Illinois or any
10 political subdivision of the State before July 1, 1984 (the
11 effective date of this Act) as the exclusive representative
12 of the employees in an appropriate bargaining unit, or (iii)
13 after July 1, 1984 (the effective date of this Act)
14 recognized by an employer upon evidence, acceptable to the
15 Board, that the labor organization has been designated as the
16 exclusive representative by a majority of the employees in an
17 appropriate bargaining unit.

18 With respect to non-State fire fighters and paramedics
19 employed by fire departments and fire protection districts,
20 non-State peace officers, and peace officers in the
21 Department of State Police, "exclusive representative" means
22 the labor organization that has been (i) designated by the
23 Board as the representative of a majority of peace officers
24 or fire fighters in an appropriate bargaining unit in
25 accordance with the procedures contained in this Act, (ii)
26 historically recognized by the State of Illinois or any
27 political subdivision of the State before January 1, 1986
28 (the effective date of this amendatory Act of 1985) as the
29 exclusive representative by a majority of the peace officers
30 or fire fighters in an appropriate bargaining unit, or (iii)
31 after January 1, 1986 (the effective date of this amendatory
32 Act of 1985) recognized by an employer upon evidence,
33 acceptable to the Board, that the labor organization has been
34 designated as the exclusive representative by a majority of

1 the peace officers or fire fighters in an appropriate
2 bargaining unit.

3 (g) "Fair share agreement" means an agreement between
4 the employer and an employee organization under which all or
5 any of the employees in a collective bargaining unit are
6 required to pay their proportionate share of the costs of the
7 collective bargaining process, contract administration, and
8 pursuing matters affecting wages, hours, and other conditions
9 of employment, but not to exceed the amount of dues uniformly
10 required of members. The amount certified by the exclusive
11 representative shall not include any fees for contributions
12 related to the election or support of any candidate for
13 political office. Nothing in this subsection (g) shall
14 preclude an employee from making voluntary political
15 contributions in conjunction with his or her fair share
16 payment.

17 (g-1) "Fire fighter" means, for the purposes of this Act
18 only, any person who has been or is hereafter appointed to a
19 fire department or fire protection district or employed by a
20 state university and sworn or commissioned to perform fire
21 fighter duties or paramedic duties, except that the following
22 persons are not included: part-time fire fighters, auxiliary,
23 reserve or voluntary fire fighters, including paid on-call
24 fire fighters, clerks and dispatchers or other civilian
25 employees of a fire department or fire protection district
26 who are not routinely expected to perform fire fighter
27 duties, or elected officials.

28 (g-2) "General Assembly of the State of Illinois" means
29 the legislative branch of the government of the State of
30 Illinois, as provided for under Article IV of the
31 Constitution of the State of Illinois, and includes but is
32 not limited to the House of Representatives, the Senate, the
33 Speaker of the House of Representatives, the Minority Leader
34 of the House of Representatives, the President of the Senate,

1 the Minority Leader of the Senate, the Joint Committee on
2 Legislative Support Services and any legislative support
3 services agency listed in the Legislative Commission
4 Reorganization Act of 1984.

5 (h) "Governing body" means, in the case of the State,
6 the State Panel of the Illinois Labor Relations Board, the
7 Director of the Department of Central Management Services,
8 and the Director of the Department of Labor; the county board
9 in the case of a county; the corporate authorities in the
10 case of a municipality; and the appropriate body authorized
11 to provide for expenditures of its funds in the case of any
12 other unit of government.

13 (i) "Labor organization" means any organization in which
14 public employees participate and that exists for the purpose,
15 in whole or in part, of dealing with a public employer
16 concerning wages, hours, and other terms and conditions of
17 employment, including the settlement of grievances.

18 (j) "Managerial employee" means an individual who is
19 engaged predominantly in executive and management functions
20 and is charged with the responsibility of directing the
21 effectuation of management policies and practices.

22 (k) "Peace officer" means, for the purposes of this Act
23 only, any persons who have been or are hereafter appointed to
24 a police force, department, or agency and sworn or
25 commissioned to perform police duties, except that the
26 following persons are not included: part-time police
27 officers, special police officers, auxiliary police as
28 defined by Section 3.1-30-20 of the Illinois Municipal Code,
29 night watchmen, "merchant police", court security officers as
30 defined by Section 3-6012.1 of the Counties Code, temporary
31 employees, traffic guards or wardens, civilian parking meter
32 and parking facilities personnel or other individuals
33 specially appointed to aid or direct traffic at or near
34 schools or public functions or to aid in civil defense or

1 disaster, parking enforcement employees who are not
2 commissioned as peace officers and who are not armed and who
3 are not routinely expected to effect arrests, parking lot
4 attendants, clerks and dispatchers or other civilian
5 employees of a police department who are not routinely
6 expected to effect arrests, or elected officials.

7 (l) "Person" includes one or more individuals, labor
8 organizations, public employees, associations, corporations,
9 legal representatives, trustees, trustees in bankruptcy,
10 receivers, or the State of Illinois or any political
11 subdivision of the State or governing body, but does not
12 include the General Assembly of the State of Illinois or any
13 individual employed by the General Assembly of the State of
14 Illinois.

15 (m) "Professional employee" means any employee engaged
16 in work predominantly intellectual and varied in character
17 rather than routine mental, manual, mechanical or physical
18 work; involving the consistent exercise of discretion and
19 adjustment in its performance; of such a character that the
20 output produced or the result accomplished cannot be
21 standardized in relation to a given period of time; and
22 requiring advanced knowledge in a field of science or
23 learning customarily acquired by a prolonged course of
24 specialized intellectual instruction and study in an
25 institution of higher learning or a hospital, as
26 distinguished from a general academic education or from
27 apprenticeship or from training in the performance of routine
28 mental, manual, or physical processes; or any employee who
29 has completed the courses of specialized intellectual
30 instruction and study prescribed in this subsection (m) and
31 is performing related work under the supervision of a
32 professional person to qualify to become a professional
33 employee as defined in this subsection (m).

34 (n) "Public employee" or "employee", for the purposes of

1 this Act, means any individual employed by a public employer,
2 including interns and residents at public hospitals, but
3 excluding all of the following: employees of the General
4 Assembly of the State of Illinois; elected officials;
5 executive heads of a department; members of boards or
6 commissions; employees of any agency, board or commission
7 created by this Act; employees appointed to State positions
8 of a temporary or emergency nature; all employees of school
9 districts and higher education institutions except
10 firefighters and peace officers employed by a state
11 university; managerial employees except as provided in this
12 Act; short-term employees; confidential employees;
13 independent contractors; and supervisors except as provided
14 in this Act. "Public employee" or "employee" includes all
15 positions under the Personnel Code with direct management or
16 supervisory responsibilities for State parks, lands, or
17 historical sites, whether any such positions are deemed to be
18 "supervisory" or "managerial" under this Act.

19 Notwithstanding Section 9, subsection (c), or any other
20 provisions of this Act, all peace officers above the rank of
21 captain in municipalities with more than 1,000,000
22 inhabitants shall be excluded from this Act.

23 (o) "Public employer" or "employer" means the State of
24 Illinois; any political subdivision of the State, unit of
25 local government or school district; authorities including
26 departments, divisions, bureaus, boards, commissions, or
27 other agencies of the foregoing entities; and any person
28 acting within the scope of his or her authority, express or
29 implied, on behalf of those entities in dealing with its
30 employees. "Public employer" or "employer" as used in this
31 Act, however, does not mean and shall not include the General
32 Assembly of the State of Illinois and educational employers
33 or employers as defined in the Illinois Educational Labor
34 Relations Act, except with respect to a state university in

1 its employment of firefighters and peace officers. County
2 boards and county sheriffs shall be designated as joint or
3 co-employers of county peace officers appointed under the
4 authority of a county sheriff. Nothing in this subsection
5 (o) shall be construed to prevent the State Panel or the
6 Local Panel from determining that employers are joint or
7 co-employers.

8 (p) "Security employee" means an employee who is
9 responsible for the supervision and control of inmates at
10 correctional facilities. The term also includes other
11 non-security employees in bargaining units having the
12 majority of employees being responsible for the supervision
13 and control of inmates at correctional facilities.

14 (q) "Short-term employee" means an employee who is
15 employed for less than 2 consecutive calendar quarters during
16 a calendar year and who does not have a reasonable assurance
17 that he or she will be rehired by the same employer for the
18 same service in a subsequent calendar year.

19 (r) "Supervisor" is an employee whose principal work is
20 substantially different from that of his or her subordinates
21 and who has authority, in the interest of the employer, to
22 hire, transfer, suspend, lay off, recall, promote, discharge,
23 direct, reward, or discipline employees, to adjust their
24 grievances, or to effectively recommend any of those actions,
25 if the exercise of that authority is not of a merely routine
26 or clerical nature, but requires the consistent use of
27 independent judgment. Except with respect to police
28 employment, the term "supervisor" includes only those
29 individuals who devote a preponderance of their employment
30 time to exercising that authority, State supervisors
31 notwithstanding. In addition, in determining supervisory
32 status in police employment, rank shall not be determinative.
33 The Board shall consider, as evidence of bargaining unit
34 inclusion or exclusion, the common law enforcement policies

1 and relationships between police officer ranks and
2 certification under applicable civil service law, ordinances,
3 personnel codes, or Division 2.1 of Article 10 of the
4 Illinois Municipal Code, but these factors shall not be the
5 sole or predominant factors considered by the Board in
6 determining police supervisory status.

7 Notwithstanding the provisions of the preceding
8 paragraph, in determining supervisory status in fire fighter
9 employment, no fire fighter shall be excluded as a supervisor
10 who has established representation rights under Section 9 of
11 this Act. Further, in new fire fighter units, employees
12 shall consist of fire fighters of the rank of company officer
13 and below. If a company officer otherwise qualifies as a
14 supervisor under the preceding paragraph, however, he or she
15 shall not be included in the fire fighter unit. If there is
16 no rank between that of chief and the highest company
17 officer, the employer may designate a position on each shift
18 as a Shift Commander, and the persons occupying those
19 positions shall be supervisors. All other ranks above that
20 of company officer shall be supervisors.

21 (s) (1) "Unit" means a class of jobs or positions that
22 are held by employees whose collective interests may
23 suitably be represented by a labor organization for
24 collective bargaining. Except with respect to non-State
25 fire fighters and paramedics employed by fire departments
26 and fire protection districts, non-State peace officers,
27 and peace officers in the Department of State Police, a
28 bargaining unit determined by the Board shall not include
29 both employees and supervisors, or supervisors only,
30 except as provided in paragraph (2) of this subsection
31 (s) and except for bargaining units in existence on July
32 1, 1984 (the effective date of this Act). With respect
33 to non-State fire fighters and paramedics employed by
34 fire departments and fire protection districts, non-State

1 peace officers, and peace officers in the Department of
2 State Police, a bargaining unit determined by the Board
3 shall not include both supervisors and nonsupervisors, or
4 supervisors only, except as provided in paragraph (2) of
5 this subsection (s) and except for bargaining units in
6 existence on January 1, 1986 (the effective date of this
7 amendatory Act of 1985). A bargaining unit determined by
8 the Board to contain peace officers shall contain no
9 employees other than peace officers unless otherwise
10 agreed to by the employer and the labor organization or
11 labor organizations involved. Notwithstanding any other
12 provision of this Act, a bargaining unit, including a
13 historical bargaining unit, containing sworn peace
14 officers of the Department of Natural Resources (formerly
15 designated the Department of Conservation) shall contain
16 no employees other than such sworn peace officers upon
17 the effective date of this amendatory Act of 1990 or upon
18 the expiration date of any collective bargaining
19 agreement in effect upon the effective date of this
20 amendatory Act of 1990 covering both such sworn peace
21 officers and other employees.

22 (2) Notwithstanding the exclusion of supervisors
23 from bargaining units as provided in paragraph (1) of
24 this subsection (s), a public employer may agree to
25 permit its supervisory employees to form bargaining units
26 and may bargain with those units. This Act shall apply
27 if the public employer chooses to bargain under this
28 subsection.

29 (Source: P.A. 90-14, eff. 7-1-97; 90-655, eff. 7-30-98;
30 91-798, eff. 7-9-00.)

31 Section 99. Effective date. This Act takes effect upon
32 becoming law.